

NIH POLICY MANUAL**2300-752-2 - OFFICIAL REPRIMANDS****Issuing Office: OD/OHRM 496-4851****Release Date: 06/10/97**

1. **Explanation of Material Transmitted:** This Instruction outlines NIH procedures to be used in issuing Official Reprimands.

2. **Filing Instructions:**

Remove: None

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A. Purpose:

This issuance prescribes the NIH procedures for issuing Official Reprimands to NIH employees. The authority to issue Official Reprimands derives from section 301 of Title 5, United States Code which authorizes Executive Department heads to prescribe regulations for the conduct of its employees. The authority to develop procedures to issue Official Reprimands has been conferred by the Department to the NIH. Written reprimands as a form of disciplinary action are referenced in the HHS Standards of Conduct Regulations, 45 CFR Part 73 Subpart L and may be issued to address instances of employee misconduct and/or performance deficiencies.

B. Coverage:

These procedures cover all NIH employees with the exception of officers of the Public Health Service Commissioned Corps and those employees in an exclusively recognized bargaining unit that has a negotiated agreement containing its own authorities and procedures for issuance of reprimands (reprimands issued to employees of bargaining units are governed by the terms of the negotiated agreement).

C. Definition:

An Official Reprimand is a written reprimand that is made a matter of record and placed in an employee's Official Personnel Folder for a specified period of time, not to exceed two years.

D. Responsibilities:

- . Reprimanding Officials -- Officials who issue Official Reprimands should take into consideration not only the seriousness of the breach of standards of conduct, regulations, or requirements of the employee's position, but also any appropriate mitigating and/or aggravating factors, e.g., employee's job level, past disciplinary

record, past work record, notoriety of the offense, unusual job tensions, any known health problems, etc. (See the NIH Personnel Delegations of Authority for officials with delegated authority to issue Official Reprimands.)

- b. IC Personnel Offices -- IC Personnel Offices are responsible for providing advice and assistance to officials authorized to issue Official Reprimands and for ensuring that the Official Reprimand is removed from the employee's Official Personnel Folder upon its expiration. Official Reprimands should not be issued without the prior technical review of the IC Personnel Office.

E. Requirements: An Official Reprimand, at a minimum must:

- . Be in writing and state the specific reasons for the Official Reprimand, together with sufficient details for the employee to understand what misconduct or performance deficiency serves as the basis for the Official Reprimand and why that misconduct or deficiency is inappropriate;
- b. Inform the employee that more severe disciplinary action may be taken in the event of further misconduct or deficiency in performance;
- c. Either enclose a copy of any evidence relied upon in support of the Official Reprimand or advise the employee where he or she may review the evidence;
- d. Inform the employee of the right to have the Official Reprimand reviewed under applicable grievance or complaint procedures, including the relevant time limits and the appropriate officials with whom the grievance/complaint should be filed. (See HHS Instruction 771-3 and 29 CFR Part 1614);
- e. Inform the employee that the Official Reprimand will be made a part of the employee's Official Personnel Folder for a specified period of time, not to exceed two years.

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